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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,585	09/22/2005	Stefan Berndt	2003P04440WOUS	1386

7590 02/17/2009  
Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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SQUIRES, BRETT S

ART UNIT	PAPER NUMBER
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2431

MAIL DATE	DELIVERY MODE
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02/17/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/550,585	<b>Applicant(s)</b> BERNDT ET AL.	
	<b>Examiner</b> BRETT SQUIRES	<b>Art Unit</b> 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-20 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-20 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Specification***

1. The substitute specification filed November 17, 2008 has been entered by the examiner.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-20 and 26 are rejected under 35 U.S.C. 103(a) as being obvious over Furuno (US 2003/0167343) in view of Lewis et al. (US 2006/0107060).

Regarding Claims 7 and 26:

Furuno discloses a method for operating Voice over Internet Protocol communication system having a communication terminal ("End points" See figs. 15, 16 ref. nos. 103-1, 103-2, 103-n and paragraph 5), a first control unit associated with the communication terminal for the resolution and/ or conversion of network address ("Primary Gatekeeper" See figs. 15, 16, ref. no. 101 and paragraphs 5-7), transmitting a request to associate the communication terminal with at least one second control unit ("Alternate Gatekeeper" See figs. 15, 16, ref. no. 102) if the first control unit fails ("The endpoints do not register themselves to the alternate gatekeeper until they find their primary gatekeeper unresponsive." See paragraph 9), and associating the communications terminal with the second control unit (See paragraphs 9-10).

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Furuno does not disclose storing a status information for the communication terminal in a memory associated with the communication terminal, providing the status information with a digital signature calculated from the status information by a private key for an asymmetrical encoding method, the request transmitted to the gatekeeper has the status information as the digital signature, and checking the digital signature for the event of a positive check result.

Lewis discloses a method for authenticating a cellular telephone that stores status information ("The attribute data stored as part of the descriptor." See fig. 1 ref. no. 114 and paragraph 44) for the communication terminal in a memory associated with the communication terminal ("External Memory" See fig. 1 ref. no. 105 and paragraph 44), provides the status information with a digital signature calculated from the status information ("The new descriptor, comprising the identity public key, new attribute data, and newly generated digital signature, is then transmitted back to the local digital device using the communications medium." See paragraphs 82-83) by a private key ("Signature Private Key" See paragraphs 78 and 82-83) for an asymmetrical encoding method ("The server verifies the descriptor data by retrieving the signature public key, a copy of which would preferably be kept by the server, and decrypting the digital signature within the descriptor using the signature public key and pre-defined public/private key signature encrypting algorithm." See paragraph 78), the request transmitted to central server has the status information as the digital signature ("Generally, this request data transmitted to the remote server will include the entire existing descriptor to enable the central server to perform full verification of the existing

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descriptor contents." See paragraph 73), checking the digital signature for the event of a positive check ("If the decrypted digital signature matches the hashed data, then the descriptor contents have been verified." See paragraph 78).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method for operating Voice over Internet Protocol communication system disclosed by Furuno to include authenticating the communication system users such as that taught by Lewis in order to thieves from fraudulently billing the users for other telephone calls (See Lewis paragraph 25).

Regarding Claim 8:

The combination of Furuno and Lewis discloses the attribute information is updated at least at a predefinable time upon the initiation of the first or second control unit (See Lewis figs. 5A and 5B and paragraph 71). The rational for combining is the same as applied above.

Regarding Claims 9-10:

The combination of Furuno and Lewis discloses the digital signature is calculated from a hash value acquired for the status information (See Lewis paragraphs 78 and 82). The rational for combining is the same as applied above.

Regarding Claims 11-14:

The combination of Furuno and Lewis discloses the hash value is calculated for the status information for the purposes of checking the digital signature and the hash value is compared for a match with a digital signature decoded by using the public key

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associated with the first control unit ("The digital device obtains the signature public key used for verifying the digital signature with the descriptor data." and "The decrypted digital signature is compared to the hash descriptor data." See Lewis paragraphs 58, 62-63, and 78). The rationale for combining is the same as applied above.

Regarding Claims 15-20:

The combination of Furuno and Lewis discloses a message digest no. 5 algorithm is used for calculating the digital signature (See Lewis paragraph 62). The rationale for combining is the same as applied above.

### ***Response to Arguments***

4. Applicant's arguments filed November 17, 2008 have been fully considered but they are not persuasive.

5. In response to the applicants' arguments the Lewis does not disclose a private key associated with a first control unit and the private key associated with the first control unit is stored remote from the communication terminal. The examiner respectfully points out that Lewis discloses a signature private key associated with a central server and points the applicants to paragraph 83 of Lewis which states "The server then accesses its signature private key (step 522), generates a hash of the identity public key together with the new attribute data according to a predefined hashing algorithm (step 523), and encrypts the hash using the private signature key and the signature encryption algorithm (step 524)." The examiner further respectfully points out that Lewis discloses the private key associated with the first control unit is stored

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remote from the communications terminal and points the applicants to paragraph 70 of Lewis which states "The digital device communicates with the remote server using any appropriate data communications medium."

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRETT SQUIRES whose telephone number is (571) 272-8021. The examiner can normally be reached on 9:30am - 6:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BS/

/Christopher A. Revak/  
Primary Examiner, Art Unit 2431